

EXHIBIT 11

FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC., (CAUSE NO. 2:21-CV-463-JRG
)
Plaintiff, ()
vs. ()
SAMSUNG ELECTRONICS CO., LTD., ()
et al., () MARSHALL, TEXAS
(NOVEMBER 4, 2022
Defendants.) 9:00 A.M.

MARKMAN HEARING

BEFORE THE HONORABLE ROY PAYNE
UNITED STATES MAGISTRATE JUDGE

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1 the limitation could be understood to be something other than
2 the claimed device. But anyway, I'll -- I will look at that
3 further.

4 MR. McKEON: Okay. Thank you, Your Honor.

5 THE COURT: Thank you, Mr. McKeon.

6 MS. ZHONG: Your Honor, just one clarification. The
7 reason we want to make sure that the memory module is limiting
8 is to make sure that each of the claimed elements, printed
9 circuit board, voltage conversion circuit, and a plurality of
10 the components, we want to make sure these are all part of the
11 memory module. Without that, there could be confusion. And
12 it doesn't seem that Samsung's counsel disagrees with it. We
13 want that. We just want the clarity so there is no argument
14 down the road.

15 THE COURT: All right. I understand that position.
16 Thank you.

17 That takes us to the 'array die' term.

18 And I can tell you, Mr. Sheasby, that the basis of this
19 construction is the prosecution history disclaimer argument,
20 in case that wasn't clear.

21 MR. SHEASBY: Understood, Your Honor. And let me go
22 straight there.

23 So this is the passage from the prosecution history, and
24 it does, indeed, say that Rajan merely discloses DRAM circuits
25 206A through D, which are different from the array dies. And

1 I understand that Your Honor has concluded that that is a
2 disclaimer. The issue that I have is that -- we understand
3 that -- does Your Honor intend to give anymore guidance as to
4 what the DRAM circuits are that is excluded, or will that be
5 for the experts to analyze?

6 THE COURT: That would be for the experts. I do not
7 intend to try and define what DRAM circuits that are
8 disclaimed.

9 MR. SHEASBY: I understand, Your Honor.

10 With that clarification, there's no need for any
11 additional argument. Thank you, Your Honor.

12 THE COURT: All right. Thank you.

13 MR. COLVIN: Your Honor, Samsung will rest on the
14 papers for that term as well.

15 THE COURT: All right. Thank you, Mr. Colvin.

16 MR. SHEASBY: Your Honor, we will rest as to H on
17 the papers.

18 THE COURT: All right.

19 MR. COLVIN: Samsung will also rest on the papers,
20 Your Honor.

21 THE COURT: Thank you, Mr. Colvin.

22 MR. SHEASBY: And I believe that I, J, and K are all
23 the adoption of our positions, and so if Samsung wants to
24 argue those I'll allow them, obviously. So we don't have to
25 jump up so often. I won't allow you to do anything. You can

1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts 11/07/2022

10 _____ DATE _____
11 SHAWN McROBERTS, RMR, CRR
12 FEDERAL OFFICIAL COURT REPORTER
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Shawn M. McRoberts, RMR, CRR
Federal Official Court Reporter